

United States District Court
Northern District of California

In re COVID-19 San Quentin Transfer Cases

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case Nos. attached

ORDER OF LIMITED ASSIGNMENT

There being a large number of actions pending in this District filed *pro se* or with counsel related to the May 2020 transfer of inmates from the California Institution for Men (“CIM”) to San Quentin State Prison (“SQ”) and subsequent exposure to COVID-19 that raise a number of similar claims and common issues, and the judges of this Court having determined that the cases should be assigned to a single judge for the limited purpose of resolving certain of the common issues,

IT IS HEREBY ORDERED that all cases raising claims of exposure to COVID-19 related to the May 2020 transfer of prisoners from CIM to SQ are assigned to Judge William H. Orrick for the following limited purposes:

1. Determining whether Clark Kelso has quasi-judicial immunity, and if not, some other defenses he has raised such as whether he is a state actor who can be sued under section 1983;
 2. Determining whether the defendants have immunity under the Public Readiness And Emergency Preparedness (PREP) Act;
 3. Determining whether the defendants are entitled to qualified immunity as a matter of law at the motion to dismiss stage;
 4. Determining whether the complaints filed by unrepresented plaintiffs allege adequate detail

1 to state a claim upon which relief can be granted.

2 **IT IS FURTHER ORDERED** that the actions shall continue to bear the case numbers
3 currently assigned to them and that upon resolution of the foregoing issues the cases shall proceed
4 before the currently assigned judge unless otherwise ordered by this Court.

5 **IT IS FURTHER ORDERED** that defense counsel at the California Attorney General's
6 Office shall serve a copy of this Order upon all plaintiffs in all affected cases.

7 A list of the affected cases is appended to this Order.

8
9 **IT IS SO ORDERED.**

10 Dated: March 7, 2022

11 
12

13 Richard S. Seeborg
14 Chief Judge
15 United States District Court
16 Northern District of California
17
18
19
20
21
22
23
24
25
26
27
28

List of CIM-SQ Transfer Cases Reassigned For Limited Purposes

1. 21-cv-05351-HSG *Carter v. Allison et al.*
2. 21-cv-06503-WHO *Cole v. Allison et al.*
3. 22-cv-00186-EJD *Colvin v. State of California et al.*
4. 20-cv-09415-BLF *Cooper v. Allison et al.*
5. 21-cv-05805-BLF *Crittenden v. Diaz et al.*
6. 21-cv-00406-WHO *Delgadillo Lopez v. Allison et al.*
7. 21-cv-00828-EMC *Demings v. Allison et al.*
8. 21-cv-04604-JD *Diaz et al v. State of California et al.*
9. 21-cv-00103-HSG *Hall v. Allison et al.*
10. 21-cv-09581-JCS *Hamilton v. Allison et al.*
11. 22-cv-00465-EJD *Hamiltonhausey et al v. Broomfield et al.*
12. 21-cv-04974-EJD *Hollis v. Allison et al.*
13. 21-cv-01094-EJD *Hudson v. Broomfield et al.*
14. 21-cv-07158-EJD *Johnson v. Broomfield*
15. 20-cv-09479-JSW *Jones v. Broomfield et al.*
16. 21-cv-01633-HSG *Lee v. Allison et al.*
17. 21-cv-01963-HSG *Legg et al v. Calif. Department of Corrections and Rehabilitation et al.*
18. 21-cv-04976-JSW *Lopez v. Allison*
19. 21-cv-04095-JD *Love v. State of California et al.*
20. 21-cv-09366-BLF *Mackey v. Allison et al.*
21. 21-cv-09386-BLF *Mackey v. Allison et al.*
22. 20-cv-06326-EJD *Nickerson v. Broomfield et al.*
23. 22-cv-00684-BLF *O'Bannon v. State of California et al.*
24. 21-cv-00708-EJD *Quale v. Allison et al.*
25. 22-cv-00905-JSC *Rhodes v. State of California et al.*
26. 21-cv-01832-JD *Ruiz et al v. State of California et al.*

United States District Court
Northern District of California

- 1 27. 22-cv-00266-NC *Schrubb v. State of California*
- 2 28. 21-cv-06960-WHO *Thorpe v. Diaz et al.*
- 3 29. 22-cv-00150-WHO *Toalepai v. Allison et al.*
- 4 30. 21-cv-00827-EMC *Vines v. Allison et al.*
- 5 31. 21-cv-06722-JD *Vo v. Allison et al.*
- 6 32. 21-cv-08154-JD *Warner et al v. State of California et al.*

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28